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    Examiner: **Huynh, Ba**

    Group Art Unit: **2179**

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FROM: Joseph T. Van Leeuwen
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Docket No. RSW920010049US1   **Serial No. 10/046,940**   Atty: GRW / JVL

Applicant: Barker, et al.

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File: **R109**

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IBM DOCKET NO. RSW920010049US1

DATE: December 19, 2005   **RECEIVED**
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Application Serial No.: 10/046,940

Sir:

Assignee Name: International Business Machines Corporation
Assignee Residence: Armonk, New York

Transmitted herewith for filing is the Patent Application of:

Inventors: Barker, et al.
For: System and Method for Mapping Management Objects to Console Neutral User Interface

Enclosed are:

__X__   Reply Brief. (6 pages)

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Respectfully submitted,

By _____
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Atty Ref. No. R109

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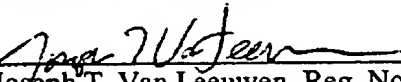No. 09-0461. A duplicate copy of this sheet is enclosed.

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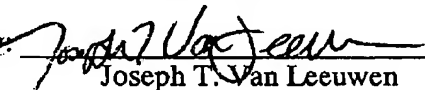|	
In re application of: Barker et al.	§ Group Art Unit: 2179 § § Examiner: Huynh, Ba
Serial No.: 10/046,940	§ § Attorney Docket No. RSW920010049US1
Filed: January 14, 2002	§ § § IBM Corporation

Title: System and Method for Mapping
    Management Objects to Console
    Neutral User Interface
	§ Intellectual Property Law Dept. T81/503
	§ 3039 Cornwallis Road
	§ Research Triangle Park, NC 27709
	§

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APPELLANTS' REPLY BRIEF (37 CFR 1.193)

Commissioner for Patents
Mail Stop Appeal Brief—Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant now presents this Reply Brief under 37 CFR § 1.193 in response to the Examiner's Answer of October 19, 2005 and make the following responses to the Examiner's arguments.

A. WHETHER PATRIZIO IS PRIOR ART TO APPELLANTS' CLAIMED INVENTION IS PROPERLY APPEALABLE

On page 2, paragraph (6) of the Examiner's Answer, the Examiner states that Appellants' Declaration filed under 37 CFR 1.131 is only a petitionable matter and cannot be appealed to the

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Board of Patent Appeals and Interferences. Appellants respectfully disagree. In neither 37 CFR 1.131 or 1.181 do the Rules specify that rejections based upon Appellants' declaration cannot be appealed. Instead, 37 CFR 1.181 specifies that Applicants may Petition to the Director:

1. From any action or requirement of any examiner in the ex parte prosecution of an application, or in ex parete or inter partes prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court;

2. In cases in which a statute or the rules specify that the matter is to be determined directly by or reviewed by the Director; and

3. To invoke the supervisory authority of the Director in appropriate circumstances. For petitions involving action of the Board of Patent Appeals and Interferences, see § 41.3 of this title.

Appellants note that 37 CFR 1.131 *does not specify* that matters directed at declarations and affidavits must be "determined directly by or reviewed by the Director." Furthermore, Appellants note that 37 CFR 41.37(c)(ix) requires an "Evidence Appendix" be included with the Appeal Brief. The Evidence Appendix is described as follows:

> An appendix containing copies of any evidence submitted pursuant to §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered in the record by the examiner. Reference to unentered evidence is not permitted in the brief. See § 41.33 for treatment of evidence submitted after appeal. This appendix may also include copies of the evidence relied upon by the examiner as to grounds of rejection to be reviewed on appeal.

This section clearly calls for declarations submitted under 37 CFR § 1.131. Accordingly, this evidence provided by Applicants during prosecution and relied on by Appellants' in the appeal is properly appealed. Appellants declaration under 37 CFR 1.131 was filed with one of Appellants' Responses to a non-final office action. filed 10/25/2004. Therefore, this evidence does not fall under 37 CFR § 41.33. In short, the Examiner has provided no basis whatsoever as to why Appellants' Declaration properly and timely filed under 37 CFR 1.131 and included in

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Appellants' Exhibit Appendix is not properly before the Board. Furthermore, in the Examiner's Answer, the Examiner does not rebut any of Appellants' contentions that Appellants' declaration under 37 CFR 1.131 properly removed the Patrizio reference as prior art and that each of Appellants' claims are therefore allowable over Patrizio. Consequently, Appellants respectfully submit that Appellants' 1.131 declaration is proper and that each of Appellants' claims are allowable over Patrizio.

B. APPELLANTS' CLAIMS ARE NOT ANTICIPATED AND ARE THEREFORE ALLOWABLE OVER PATRIZIO

In the Examiner's Answer, the Examiner points to Figure 1, element "Arabica" as showing Appellants' limitation of "receiving an element request from a user." This section of Patrizio was not cited in previous Office Actions. Nonetheless, the description of "Arabica" by Patrizio shows that in Figure 1 Patrizio is not teaching or suggesting "receiving an element request from a user." Instead, Patrizio teaches that the MC/ServiceGuard Manager product available from Hewlett-Packard company "shows a hierarchical map of these objects (clusters, nodes and packages) and how they are interrelated, with specific focus on the cluster named arabica 105, as highlighted in left panel 101." Importantly, while Patrizio teaches "user-selectable levels of the clusters..." Patrizio never teaches "*receiving*" such a selection, nor does Patrizio teach or suggest performing any actions resulting from such a selection, as taught and claimed by Appellants.

In the Examiner's Answer, the Examiner points to Patrizio's Figure 2 as teaching Appellants' claim limitation of "locating a display name corresponding to the element request in a management definition object." In Patrizio's Figure 2, the "display name" (arabica) is the same as the element (cluster: arabica). Nowhere in the cited sections or in the description of Figure 2 does Patrizio teach or suggest locating a "*display name*" that corresponds to a selected element. Instead, Patrizio simply displays the element name itself rather than locating a corresponding display name.

In the Examiner's Answer, the Examiner states that Patrizio teaches Appellants' claim limitation of "retrieving one or more qualifier values and one or more data definitions

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corresponding to the display name, wherein the retrieving includes reading the management definition object," citing paragraphs 0037, 0039, 0040, and 0046 as teaching qualifier values and data definitions from the MOF file. Paragraph 0037 discusses storing layout information in a MOF file. Paragraph 0039 discusses a class schema and property sheets associated with objects stored in the MOF file. Paragraph 0040 discusses a particular class that has a one-to-many relationship with another class and tabs used for containment within the property sheet. Finally, paragraph 0046 discusses a particular way of populating data in the data sheets. Appellants point out however, that Patrizio fails to teach or suggest Appellants' specific limitation in any of these paragraphs or elsewhere. These sections discuss general, well-known attributes of MOF files and do not teach or suggest "locating a *display name*," and then "retrieving ... qualifier values and ... data definitions corresponding to the *display name*." Unlike Patrizio, Appellants claimed invention provides a layer of abstraction between the element and the data displayed. Appellants' claimed invention locates a display name that corresponds to a selected element, retrieves qualifier values and data definitions corresponding to the retrieved name, *creates* data elements based on the data definitions, and writes the qualifier values to a display panel.

In the Examiner's Answer, the Examiner contends that Patrizio teaches "creating one or more data elements using the data definitions," by teaching data elements (tab 203, 205...) that are displayed on the screen. However, Patrizio *does not teach* that the data elements are "created using the data definitions." Instead, Patrizio teaches that modifications are added directly to the MOF file (see paragraph 0038). Nowhere does Patrizio teach or suggest "creating" the data elements using data definitions (with the data definitions being previously retrieved, as claimed by Appellants). In other words, Patrizio teaches a manual approach where the data elements are hardcoded and stored in the MOF file whereas Appellants claim creating the data elements using the retrieved data definitions. Appellants' claimed approach, therefore, is more sophisticated and flexible allowing Appellants' method to handle such things as translations from various national languages. Patrizio simply does not teach or suggest such "creating" and therefore does not teach Appellants' claimed limitation.

Likewise, Patrizio does not teach or suggest "writing the qualifier values and data elements to a display panel." Appellants' "qualifier values" and "data elements" both relate to a

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retrieved *display name* and, as discussed above and in Appellants' Appeal Brief, Patrizio simply does not teach anything regarding retrieval of a display name. As discussed in detail in Appellants' Appeal Brief, Patrizio discusses general attributes of MOF files but does not teach or suggest performing the specific actions using data elements, display names, qualifier values, and data definitions, as taught and claimed by Appellants. For the foregoing reasons, as well as the reasons discussed in Appellants' Appeal Brief, the limitations of independent claims 1, 8, and 15 are allowable over Patrizio and the rejections of these claims should be *REVERSED*. Claims 2-7, 9-14, and 16-21 each depend, directly or indirectly, on these independent claims and, accordingly, the rejections of these claims should also be *REVERSED* as these claims are allowable for at least the same reasons as their respective independent claims.

Regarding claims 22 and 24, in the Examiner contends that Patrizio teaches these limitations in paragraph 0040 and Figure 2. This claim includes limitations of claim 1 and, as discussed above, these limitations are not taught or suggested by Patrizio. In addition, this claim includes the limitation of "identifying one or more menu tab names from the retrieved qualifier names." The containment tabs described by Patrizio are taught as being connected to "property sheets" using a particular class ("The main purpose of this class is to connect property sheets and tabs."). In Appellants' claim 22, the menu tab names are identified based upon the retrieved "qualifier names" that, in turn, were retrieved based upon a "display name" corresponding to an element sought by a user. In Patrizio, the "containment tabs" are "hard coded" into the MOF file. Thus, as explained above, Appellants' claimed invention is different as the limitations claimed are not taught by Patrizio. In particular, Appellants' claimed invention provides a layer of abstraction to related qualifier names to menu tab names, whereas Patrizio simply teaches a hardcoded method where the menu tab names are hardcoded and retrieved. Patrizio's teachings would not be able to provide the flexibility needed to provide national language support so that the menu tab names could be displayed in a national language preferred by the user. On the other hand, Appellants' layer of abstraction can be used to provide such flexibility. Accordingly, Patrizio does not teach or suggest the limitations claimed by Appellants in claims 22 and 24 and the rejections of these claims should be *REVERSED*.

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PAGE 8/9 * RCVD AT 12/19/2005 6:16:31 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/32 * DNIS:2738300 * CSID:512 301 6742 * DURATION (mm-ss):03-44
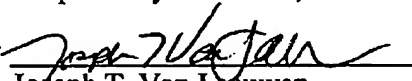
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Finally, regarding claims 23 and 25, retrieves "text labels" that correspond to data elements and then displays the text labels in the display panel adjacent to the text label's data element. Patrizio simply teaches retrieving property sheets and displaying them without making any associations between an element and a display name. Once again, Patrizio lacks the Appellants' level of abstraction. While Patrizio's system can be used to retrieve a simply property sheet from a MOF file, Patrizio simply does not teach or suggest locating a display name corresponding to an element request and retrieving text labels where each of the text labels corresponds to one of the data elements. As described above, Appellants' limitation provide flexibility and capabilities not taught or claimed by Patrizio. This flexibility and capability are needed to support more complex display tasks, such as support national languages. In Patrizio's system the data sheet retrieved and displayed will be exactly as hardcoded in the MOF file with no ability to abstract the data and display text labels that correspond to a particular preference, such as a national language preference, of the user. Consequently, because Patrizio does not teach or suggest each of the limitations set forth in Appellants' claims 23 and 25, Appellants' respectfully request that the rejections of these claims be _**REVERSED**_.

Conclusion

For the foregoing reasons, Appellants submit that claims 1 through 25 are patentable over the cited prior art. Accordingly, Appellants respectfully requests that the Examiner's claim rejections be reversed and claims 1 through 25 be allowed.

Respectfully submitted,

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